

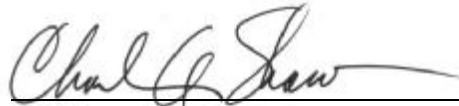
<sup>1</sup>In the original complaint, plaintiff stated that he was bringing the action pursuant to Title VII as well as the Rehabilitation Act. Plaintiff has not stated the statutory basis for his claims in the amended complaint. Because plaintiff has alleged only racial discrimination in the body of his complaint, the Court interprets the complaint as proceeding under Title VII.

Cir. 1997)). As such, plaintiff's amended complaint is subject to dismissal pursuant to 28 U.S.C. § 1915.<sup>2</sup>

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk shall not issue process or cause process to be issued upon the amended complaint as it is legally frivolous and/or fails to state a claim.

A separate Order of Dismissal will accompany this Memorandum and Order.

  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 9th day of June, 2008.

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<sup>2</sup>The Court notes that although plaintiff attached a notice of right to sue from the Missouri Commission on Human Rights, he has not indicated a desire to proceed against defendant Blade under the Missouri Human Rights Act. To the extent plaintiff is attempting to raise state law claims against defendant Blade, said claims will be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c).